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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

OCT 29 2015

J. BRANNON

8 Attorneys for Plaintiff  
9 Yvonne Gleason

10 SUPERIOR COURT OF CALIFORNIA  
11 FOR THE COUNTY OF RIVERSIDE  
12 LIMITED JURISDICTION

RIC 15 1 3 0 6 6

13 YVONNE GLEASON,

14 Plaintiff,

15 vs.

16 NAVIENT SOLUTIONS, INC., and  
17 DOES 1 through 10, inclusive,

18 Defendants.

Civil Action No.:

COMPLAINT FOR:

- (1) VIOLATION OF FAIR  
CREDIT REPORTING ACT  
(15 U.S.C. § 1681 – False  
Pretenses)
- (2) VIOLATION OF THE  
CALIFORNIA CONSUMER  
CREDIT REPORTING  
AGENCY ACT (Cal. Civ. Code  
§ 1785.1)
- (3) VIOLATION OF  
ROSENTHAL FAIR DEBT  
COLLECTION PRACTICES  
ACT (Cal. Civ. Code § 1788)

JURY DEMAND

**INTRODUCTION**

1  
2 1. This is an action for actual and statutory damages brought by Plaintiff,  
3 an individual, against Defendant, for violations of the Fair Credit Reporting Act,  
4 15 U.S.C. §1681 *et seq.*, *as amended*. ("FCRA"), the California Consumer Credit  
5 Reporting Act § 1785.1 *et seq.* and Rosenthal Fair Debt Collection Practices Act,  
6 Cal. Civ. Code § 1788, *et seq.* (hereinafter, "RFDCPA"),  
7

8 **JURISDICTION AND VENUE**

9  
10 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1681(p),  
11 which states that such actions may be brought and heard before "any appropriate  
12 United States district court, without regard to the amount in controversy."  
13

14 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), in  
15 that Defendant transacts business here, and in that the conduct complained of  
16 occurred here.

17 **PARTIES**

18 4. Plaintiff is a natural person who resides in the City and County of  
19 Riverside, and State of California.  
20

21 5. At all times pertinent hereto, Plaintiff was a "consumer" as that term is  
22 defined by 15. U.S.C. § 1681a(c). Plaintiff is a "debtor" as defined by Cal. Civ.  
23 Code § 1788.2(h).  
24  
25

1       6.     At all times pertinent hereto, Defendant was a "person" as that term is  
2 defined by 15 U.S.C. § 1681a(b) and "user" of credit reporting information as  
3 contemplated under 15 U.S.C. § 1681b(f) .

4                               **FACTUAL ALLEGATIONS**

5  
6       7.     On February 19, 2015, Plaintiff filed for Chapter 7 bankruptcy in the  
7 Central District of California.

8       8.     Plaintiff listed Defendant as a creditor in her bankruptcy schedules  
9 and creditor list.

10  
11       9.     On February 19, 2015, the clerk of the bankruptcy court mailed notice  
12 to Defendant that Plaintiff had filed for bankruptcy and the following notice,  
13 "Creditors May Not Take Certain Actions: In most instances the filing of the  
14 bankruptcy case automatically stays certain collection and other actions against the  
15 debtor and the debtor's property."

16  
17       10.    Despite receiving notice of Plaintiff's bankruptcy filing and the  
18 automatic stay, Defendant made a regular credit inquiry on Plaintiff's consumer  
19 credit report with TransUnion, LLC on May 18, 2015.

20  
21       11.    At no time did Plaintiff authorize Defendant to make any consumer  
22 credit report inquiry during the time Plaintiff's bankruptcy filing was active.

23     //  
24  
25

1           12. Defendant acted through their agents, employees, officers, members,  
2 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
3 representatives, and insurers.

4  
5                           **FIRST CLAIM FOR RELIEF**

6                   **VIOLATIONS OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C.**  
7                   **§ 1681b, WILFULL NON-COMPLIANCE BY DEFENDANT**  
8                   **(Against all Defendants)**

9           13. Plaintiff repeats and re-alleges and incorporates by reference the  
10 preceding paragraphs.

11  
12           14. Defendant is a furnisher of information within the meaning of the Fair  
13 Credit Reporting Act, 15 U.S.C. § 1681-s2.

14           15. Defendant willfully violated the Fair Credit Reporting Act.  
15 Defendant's violation include, but are not limited to willfully violating 15 U.S.C. §  
16 1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as  
17 defined by 15 U.S.C. § 1681b.

18  
19           16. Based on information and belief, the credit reviews and the credit  
20 inquiries were used as collection tactics by Defendant with intent to obtain  
21 information and thereby have an unfair advantage over Plaintiff and/or harm  
22 Plaintiff's good name and credit rating while he was protected by the Bankruptcy  
23 Automatic Stay.  
24  
25

1        17. As a result of Defendant's unauthorized actions, Plaintiff has suffered  
2 damages and is entitled to actual damages, punitive damages as the court may  
3 allow, as well as reasonable costs and attorney's fees pursuant to 15 U.S.C. §  
4 1681(n).

5  
6        **WHEREFORE**, Plaintiff requests that this Court enter judgment in her  
7 favor and against Defendant as follows:

8        A. Pursuant to 15 U.S.C. § 1681n(a) (1) (B), award her actual damages,  
9 and/or \$1,000 for each access of her credit report obtained by false  
10 pretenses,  
11

12        B. Pursuant to 15 U.S.C. § 1681n(a) (2), award such punitive damages as  
13 the Court deems appropriate;  
14

15        C. Pursuant to 15 U.S.C. § 1681n(a) (3), award costs of the action and  
16 reasonable attorney fees; and

17        D. Grant such other and further relief as the court deems just and proper  
18

19        **SECOND CLAIM FOR RELIEF**

20        **VIOLATION OF CALIFORNIA'S CONSUMER CREDIT REPORTING**  
21        **AGENCIES ACT, 15 U.S.C. § 1785.11**

22        **(Against all Defendants)**

23        18. Plaintiff repeats and re-alleges and incorporates by reference the  
24 preceding paragraphs.  
25

1           19. In committing the acts against Plaintiff as alleged above, Defendant  
2 subjected Plaintiff to unfair credit reporting practices. Defendant's violations  
3 include at least the following: obtaining and reviewing Plaintiff's consumer credit  
4 report from Experian without having permissible purpose required under California  
5 Civil Code § 1785.11.  
6

7           20. Based on information and belief, Defendant did not have a lawful  
8 purpose for requesting, obtaining and using Plaintiff's consumer report from  
9 Experian because Plaintiff was protected by the Bankruptcy Automatic Stay.  
10 Therefore Defendant's request, acquisition and use of Plaintiff's consumer report  
11 was in violation of California's Consumer Credit Reporting Agencies Act, Cal.  
12 Civ. Code §§ 1785.11 and 1785.19.  
13

14           21. Defendant negligently, willfully, and/or under false pretenses,  
15 requested, obtained and used Plaintiff's consumer report for a purpose not  
16 authorized by California's Consumer Credit Reporting Agencies Act, Cal. Civ.  
17 Code § 1785.19.  
18

19           22. As a result of these unauthorized actions by Defendant, Plaintiff has  
20 suffered damages and is entitled to actual damages, punitive damages as the court  
21 may allow, and injunctive relief ordering deletion of the credit inquiries.  
22

23           **WHEREFORE**, Plaintiff requests that this Court enter judgment in her  
24 favor and against Defendant as follows:  
25

- 1 A. Actual damages;
- 2 B. Statutory damages for willful violations;
- 3 C. Punitive damages as the Court deems appropriate;
- 4 D. Costs and reasonable attorney's fees; and
- 5 E. For such other and further relief as may be just and proper.
- 6

7 **THIRD CLAIM FOR RELIEF**

8 **VIOLATION OF ROSENTHAL FAIR DEBT COLLECTION PRACTICES**  
9 **ACT, CAL. CIV. Code § 1788, et seq.**  
10 **(Against all Defendants)**

11  
12 23. Plaintiff repeats and re-alleges and incorporates by reference the  
13 preceding paragraphs.

14 24. On information and belief, Defendant's impermissible inquires of  
15 Plaintiff's consumer credit report were in connection with an attempt to collect a  
16 debt while Plaintiff was protected by the automatic stay during her Chapter 7  
17 bankruptcy case. Consequently, Defendant's collection actions were in violation  
18 of Federal Bankruptcy law.  
19

20 25. § 1788.17 of the RFDCPA mandates that every debt collector  
21 collecting or attempting to collect a consumer debt shall comply with the  
22 provisions of § 1692b to 1692j, inclusive, of and shall be subject to the remedies  
23  
24  
25

1 in § 1692k of, Title 15 of the United States Code statutory regulations contained  
2 within the FDCPA, 15 U.S.C. § 1692d, and §1692d(5).

3 26. Consequently, Plaintiff alleges Defendant violated § 1692e, e(4), e(5),  
4 and f of the RFDCPA and FDCPA through its impermissible inquiries of  
5 Plaintiff's credit report and collection attempts.  
6

7 27. As a result of the above violations of the RFDCPA, Plaintiff suffered  
8 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
9 embarrassment, mental anguish, and emotional distress.  
10

11 **WHEREFORE**, Plaintiff requests that this Court enter judgment in her  
12 favor and against Defendants as follows:

13 A. Actual damages;

14 B. Statutory damages;

15 C. Costs and reasonable attorney's fees; and  
16

17 D. For such other and further relief as may be just and proper.  
18

19 //

20 //



**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff demands trial by jury in this action.

DATED: October 26, 2015

RESPECTFULLY SUBMITTED,

**The Law Office of L. Paul Mankin**

By: /s/ L. Paul Mankin  
L. Paul Mankin  
Attorney for Plaintiff